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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,076	09/28/2001	KyongKun Oh	KKOH-100	4888
30349	7590	10/23/2003		
JACKSON & CO., LLP 6114 LA SALLE AVENUE SUITE 507 OAKLAND, CA 94611-2802			EXAMINER SNAPP, SANDRA S	
			ART UNIT 3624	PAPER NUMBER

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/967,076

Applicant(s)

OH, KYONGKUN

Examiner

Sandra Snapp

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 2,11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 3-28-02 was filed in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Claim Objections

Claims 2, 11, and 12 are objected to because each claim includes the term "TCP/IP protocol" yet such terminology has not been properly defined in the specification. "IP" has been defined on line 24, page 5, however the acronym "TCP" has not been identified anywhere in the specification. As such, before the term "TCP/IP" can be used in the claims, it needs to be properly defined, either in the specification or the claim language itself.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by the Usher et al. publication (US 2001/0044771 A1).

The Usher publication discloses a system for providing real time data transmission comprising:

A data network (Fig. 1A), a data provider (120), a client terminal (200), and a server terminal (115) (See page 5, paragraph 0058) (claim 1);

The server terminal, client terminal and data terminal are each connected to a data network under TCP/IP protocol (TCP/IP protocol, page 5, paragraph 0059)(claim 2);

The client terminal includes one of a personal computer, a wireless application protocol enabled mobile telephone, an internet access enabled personal digital assistant, and a laptop computer (combined phone and PDA, PDA, and portable computer, page 5, paragraph 0058)(claim 3);

The real time data includes one of a real time price information of a traded commodity, and a real time trade volume information of the traded commodity (real time auction, page 6, paragraph 0065, and swap terms, page 7, paragraph 0078)(claim 4); and

The server terminal and the client terminal are coupled to the data network under a secure environment (Secure HTTP and SSL, page 5, paragraph 0059) that includes one of a password protected or an encrypted environment (use of digital certificates, page 5, paragraph 0059)(claims 5, 6, 7 & 8).

The Usher publication also discloses a method comprising:

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Establishing a connection to a data provider (page 5, paragraph 0058), establishing a connection to a client terminal (page 5, paragraph 0058), transmitting a client receiver application to the connected client terminal (page 5, paragraph 0063), and pushing information received from the connected data provider in real time to the connected client terminal (retrieving info from and providing info to, page 5, paragraph 0063)(claims 9 & 15);

Displaying the pushed information at the client terminal (display screens, page 9, paragraph 0092)(claim 10);

Establishing a TCP/IP communication protocol with the data provider (using TCP/IP protocol, page 5, paragraph 0059) and the client terminal (claims 11 & 12);

Receiving information from the connected data provider (retrieving info from and providing info to, page 5, paragraph 0063)(claim 13); and

The received information includes a real time price information of a traded commodity (real time auctions, page 6, paragraph 0065, and swap terms, page 7, paragraph 0078)(claim 14).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Hoffer, Khan, Pugliese, III et al., and Lange references are all directed to electronic trading systems. The Miller patent is directed to an electronic system for selecting vendors of user-defined products.

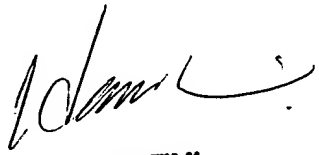
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Snapp whose telephone number is 703-305-6940. The examiner can normally be reached on Mon.-Thurs..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

SS 


HANI M. KAZIMI
PRIMARY EXAMINER